

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CORNELL WILLIAMS,

Defendant.

8:18CR302

ORDER

This matter is before the Court on defendant Cornell Williams’s (“Williams”) Motion to Dismiss Indictment (Filing No. 17), which alleges Williams violated the Sex Offender Registration and Notification Act (“SORNA”), 34 U.S.C. § 20901 *et seq.*, by knowingly failing to register as a sex offender, in violation of 18 U.S.C. § 2250(a). Williams argues SORNA is unconstitutional because “Congress improperly and unconstitutionally delegated to the Executive Branch the authority to apply the terms of SORNA to” people, like him, “whose sex offenses were committed/prosecuted before SORNA passed.” *See* U.S. Const. art. I, §§ 1, 8. As Williams notes, the United Supreme Court has granted certiorari and heard argument on the issue he raises but has not rendered a decision. *See Gundy v. United States*, 138 S. Ct. 1260 (2018) (mem.) (granting certiorari).

Williams’s motion was referred to a magistrate judge for review.¹ *See* 28 U.S.C. § 636(b)(1)(B). On November 14, 2018, the magistrate judge issued a thorough Findings and Recommendation (Filing No. 19) recommending the Court deny Williams’s motion without a hearing because the Eighth Circuit Court of Appeals has held “SORNA’s relatively narrow delegation of authority to the Attorney General is guided by an intelligible principle and is consistent with the requirements of the nondelegation doctrine.”

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

United States v. Fernandez, 710 F.3d 847, 850 (8th Cir. 2013) (per curiam); *accord United States v. Kuehl*, 706 F.3d 917, 920 (8th Cir. 2013).

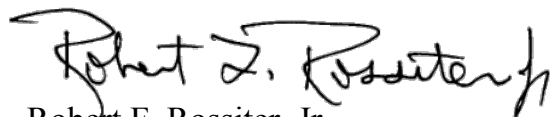
Williams objects (Filing No. 20), maintaining “SORNA’s application to him is unconstitutional.” But he acknowledges the Eighth Circuit’s decisions on this issue and does not deny this Court is by bound them. Williams may ultimately get some relief if the Supreme Court decides *Gundy* the way he hopes and concludes SORNA is unconstitutional, but until that happens or the Eighth Circuit changes course, this Court must deny his motion to dismiss. Accordingly,

IT IS ORDERED:

1. Defendant Cornell Williams’s Statement of Objection to Magistrate Judge’s Findings and Recommendation (Filing No. 20) is overruled.
2. The magistrate judge’s Findings and Recommendation (Filing No. 19) is accepted.
3. Williams’s Motion to Dismiss Indictment (Filing No. 17) is denied.

Dated this 7th day of December 2018.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge